

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78335 of 2023

Arising Out of PS. Case No.-277 Year-2023 Thana- JAGDISHPUR District- Bhojpur

VIKASH KUMAR @ VIKAS KUMAR @ BIKASH KUMAR @
MUKHIYA S/o Ram Dular Ram @ Ramdular Ram R/o Vill - Chhwarhi
(Chhaurahi), P.S. - Piro, Dist - Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 22-03-2024 Heard the parties.

2. The petitioner seeks bail in connection with Jagdishpur P.S. Case No. 277 of 2023 registered for the offence punishable under Sections 363/366 of the Indian Penal Code.

3. Pursuant to the order dated 29.02.2024, the learned Additional Public Prosecutor Shri Kumar Uday Pratap has produced a report received from the Superintendent of Police, Bhojpur at Ara.

4. As per the report, the victim girl has been recovered by the police from Gujarat and her statement under Section 164 Cr. P.C. had been recorded wherein she had said that she had eloped with Dhiraj Kumar who is friend of the petitioner. The petitioner is in jail since 19.07.2023.

5. Considering the aforesaid, this application is



allowed.

6. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bhojpur at Ara/concerned court in connection with Jagdishpur P.S. Case No. 277 of 2023.

7. The date of occurrence of this case is 08.07.2023. The F.I.R. was registered on 08.07.2023. Neither the Investigating Officer nor the Superintendent of Police, Bhojpur at Ara took any interest for recovery of the victim girl. Only when this Court interfered and passed the following order on 29.02.2024:-

“Heard learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned APP for the State.

2. The petitioner seeks bail in connection with Jagdishpur P.S. Case No. 277 of 2023 registered for the offence punishable under Sections 363 and 366 of the Indian Penal Code.

3. The victim is alleged to have been kidnapped by the petitioner and other accused persons. The victim has not yet been recovered though the crime has been committed on 23.06.2023.



4. *List this case on 22.03.2024.*

5. *If the victim is not recovered before the next date of hearing, the Superintendent of Police, Bhojpur will appear virtually on that date i.e., 22.03.2024.*

6. *Let a copy of this order be communicated to the Superintendent of Police, Bhojpur for its compliance through FAX or e-mail forthwith.”* then the police including the Superintendent of Police, Bhojpur at Ara have taken interest and got the victim recovered.

8. This Court fails to understand that for doing their duty, the police officials need an order from this Court.

9. Any missing person report/F.I.R. has to be dealt with utmost sincerity by police officials including the Superintendent of Police of the concerned district. This kind of laxity on the part of the Superintendent of Police, Bhojpur at Ara cannot be condoned.

10. He should be vigilant enough in future to see to it that in all the cases in which victims are missings/F.I.R. is filed for kidnapping of the victim, proper investigation is done by the Investigating Officer and the Superintendent of Police should monitor these kind of cases separately.

11. The Superintendent of Police, Bhojpur at Ara is



cautioned in this matter and he should be vigilant in future.

12. Let a copy of the order be communicated to the D.G.P., Bihar and the Additional Chief Secretary (Home), Bihar through FAX/e-mail forthwith for information and necessary directions to its officials.

(Sandeep Kumar, J)

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